

## BURDEN OF PROOF

### Brief description of proposed project:

- The proposal is the addition of a deck to the back of the main level of a rowhome in Northwest, DC. The deck measures 8' 4 ¾" deep by 13' 1 ½" deep. A winder stair will connect the deck to the grade below and measures 10' 1 ½" deep, projecting slightly past the face of the deck.

### Why it requires zoning relief:

- An area variance is needed because the proposed deck will be higher than 4' off the ground and will therefore be counted in lot occupancy calculations. The current lot occupancy will increase from 63.26% to 73.28%.
  - It is important to note that Chapter 2, section 202.1 defines the lot area minimum in RF zones as 1,800 sf. The lot in question is sized under the minimum requirements at 1,097.1 sf. This skews the lot occupancy calculations.
- An area variance is needed because the deck will be higher than 4' off the ground and will therefore be counted as a structure to which the setback will be measured, bringing the existing setback from approximately 10' to 0'.
  - It is important to note that Title 11, Subtitle E, Chapter 2, Section 205.3 and 205.5 previously granted the ability to build 10' into the required setback, which brought the setback from the zone-required 20' to 10'.

### Which sections of the code apply:

- Title 11, Subtitle E, Chapter 2, Section 202.1 defines the lot area minimum in RF zones as 1,800 sf.
- Title 11, Subtitle E, Chapter 3, Section 304.1 defines the maximum lot occupancy as 60% for zone RF-1, attached dwellings.
- Title 11, Subtitle E, Chapter 3, Section 306.1 defines the setback in zone RF-1 as 20 ft.
- Title 11, Subtitle E, Chapter 2, Section 205.3 and 205.5 grant the ability to build 10 ft into the required setback for this property (built prior to 1958).
- Title 11, Subtitle B, Chapter 3, Sections 324.1a and 327.2 indicate that any structure above 4' cannot encroach on the setback.
- Title 11, Subtitle X, Chapter 10, Sections 1001.2 and 1001.3 define what kinds of changes trigger the need for an area variance.

### How the application meets each of the variance criteria listed in Subtitle X Section 1002.1:

- "An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property"
  - The zoning regulations for this property, which is sized significantly smaller than the zone-minimum of 1,800sf, result in exceptional difficulties to the owners. The small lot size decreases functionality and enjoyment of their home. Increasing the allowance for lot coverage and minimizing the need for a setback would grant the owners to enjoy their property in a more equal capacity to their peers in the RF-1 zone.